

REMARKSDouble Patenting Rejections:

Claims 1-14 have been provisionally rejected for obviousness-type double patenting. More specifically, claims 1-4, 6-11, and 14 were rejected over claims 1, 2, 17, 19, 20 and 23-25 in co-pending Application Serial Number 10/207,519 in view of Denesuk et al. Claim 5 was rejected over the same claims in co-pending Application Serial Number 10/207,519 in view of Denesuk et al. and further in view of Ryan et al. Claims 12 and 13 were rejected over the same claims in co-pending Application Serial Number 10/207,519 in view of Denesuk et al. and Sesselmann.

Applicant is willing to file a terminal disclaimer with regard to co-pending Patent Application Serial Number 10/207,519, after all other issues of patentability have been resolved.

35 USC Section 103 Rejections:

Claims 1-4, 6 and 9-14 were rejected as being unpatentable under 35 USC 103(a) over Sesselmann (U.S. Patent No. 5,539,930) in view of Denesuk et al. (U.S.

Patent No. 6,196,156). Applicants respectfully submit that Sesselmann is nonanalogous art for the present invention, and therefore, cannot be the subject of an obviousness type rejection of the present invention. In order for a reference to be analogous art, the reference must either be from the same field of endeavor, regardless of the problem addressed, or reasonably pertinent to the particular problem with which the inventor is involved. *In re Clay* 966 F2d 656; 23 USPQ2d1058 (Fed. Cir. 1992).

Sesselmann is directed to articles of clothing. In contrast, the present invention is directed to bedding material. The problem addressed by Sesselmann is eliminating the odors passing through the clothing that are generated by the person wearing the clothing article. These odors are generated from *within* the articles. In contrast to Sesselmann, the problem addressed by the present invention is controlling odors that are generated on the outside of the bedding article. Applicants respectfully submit that there is not a reasonable motive for a person trying to control odors that are generated outside of an article to look to art trying to eliminate odors passing through an article and that are generated from inside the article.

Additionally, Applicants respectfully submit that there is no teaching, suggestion, or motivation to combine Sesselmann with Denesuk et al. Sesselmann is directed to articles of clothing, not bedding. There is no teaching, suggestion, or motivation in the cited prior art to take an article of clothing and provide it with a cushion to form a bedding article. Furthermore, Applicants respectfully submit that there is no teaching or suggestion in the cited prior art to cover a cushion with an article of clothing to form the

enclosure for a bedding article. The possibility that prior art may be modified or combined does not make a claimed invention obvious unless the prior art suggests such a modification or combination. Therefore, Applicants respectfully submit that claims 1-4, 6-11, and 9-14 are not obvious over Sesselmann in view of Denesuk et al.

Claim 5 was rejected as being unpatentable under 35 USC 103(a) over Sesselmann as modified by Denesuk et al. (as applied to claims 1-4) and further in view of Ryan et al. (US Patent Number 5,019,062). Applicants respectfully submit that Sesselmann and Ryan et al. are nonanalogous art for the present invention, and therefore, cannot be the subject of an obviousness type rejection of the present invention.

Ryan et al. is directed to a bicomponent material for use as feminine hygiene articles and diapers. Sesselmann is directed to articles of clothing. In contrast, the present invention is directed to bedding material. Therefore, Applicants respectfully submit that Ryan et al. and Sesselmann are not directed to the same field of endeavor as the claimed invention.

Further, the problem addressed by Ryan et al. is absorbing liquids which pass through the bicomponent material in a first direction and substantially preventing the liquids from passing through the bicomponent material in the opposite direction. Ryan et al. also attempt to solve the problem of preventing gases, or odors, that are generated from *within* the bicomponent article from passing back through the

bicomponent material in the opposite direction of the liquid absorption. The problem addressed by Sesselmann is eliminating the odors passing through the clothing that are generated by the person wearing the clothing article. These odors of Sesselmann are also generated from *within* the articles.

In contrast to both Ryan et al. and Sesselmann, the problem addressed by the present invention is controlling odors that are generated on the outside of the bedding article. Applicants respectfully submit that there is not a reasonable motive for a person trying to control odors that are generated outside of an article to look to art trying to eliminate odors passing through an article and that are generated from inside the article.

As can be seen from the divergent fields (clothing/feminine hygiene vs. bedding) and the different purposes of Sesselmann and Ryan et al. and the present invention (controlling odors emanating from within vs. controlling odors generated on the outside), Applicants respectfully submit that Sesselmann and Ryan et al. are nonanalogous art.

Additionally, Applicants respectfully submit that there is no teaching, suggestion, or motivation to combine Ryan et al. with Sesselmann as modified by Denesuk et al. There is no teaching, suggestion, or motivation in the cited prior art to take a bicomponent material for feminine hygiene and an article of clothing and provide the combination with a cushion to form a bedding article. Furthermore, Applicants respectfully submit that there is no teaching or suggestion in the cited prior art to cover a cushion with such a bicomponent material and an article of clothing to form the

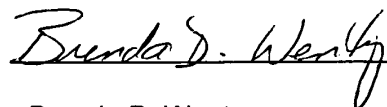
enclosure for a bedding material. Therefore, Applicants respectfully submit that claim 5 is not obvious over Sesselmann as modified by Denesuk et al. and further in view of Ryan et al.

Claims 7 and 8 were rejected as being unpatentable under 35 USC 103(a) over Sesselmann as modified by Denesuk et al. (as applied to claims 1-4) and further in view of Giglia (US Patent Number 4,459,332). Applicants reassert the fact that Sesselmann is nonanalogous art to the present invention and that there is no teaching, suggestion, or motivation to combine Sesselmann with Denesuk et al. Additionally, Applicants respectfully submit that Giglia does not teach, suggest, or provide a motive for the use of hot melt adhesive to secure the odor absorbing layer in a bedding material. Therefore, Applicants respectfully submit that claims 7 and 8 are not obvious in view of the cited prior art.

Having addressed all of the rejections, objections, and comments in the latest Office Action, Applicants respectfully request reconsideration and allowance of pending claims 1-14. In the event that the Examiner believes that the claims would be allowable with minor changes, the Examiner is invited to telephone the undersigned to discuss an Examiner's Amendment.

September 22, 2003

Respectfully requested,



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